

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

RACHEL MARIE POWELL,

Defendant.

Case: 1:21-mj-00197
Assigned to: Judge Harvey, G. Michael
Assign Date: 2/3/2021
Description: COMPLAINT W/ARREST WARRANT

VIOLATIONS:

**18 U.S.C. § 1512(c)
(Obstruction)**

**18 U.S.C. § 1361
(Depredation of Government Property)**

**18 U.S.C. § 1752(b)(1)(A)
(Restricted Building or Grounds with a
Dangerous Weapon)**

**18 U.S.C. § 1752(a)
(Restricted Building or Grounds)**

**40 U.S.C. § 5104(e)(2)
(Violent Entry or Disorderly Conduct)**

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, Carlos D. Fontanez, being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. This Affidavit is submitted in support of a Criminal Complaint charging **RACHEL MARIE POWELL** (hereinafter “**RACHEL POWELL**”) with criminal conduct in connection with the riots at the U.S. Capitol on January 6, 2021. As set forth herein, I respectfully submit that this Affidavit establishes probable cause to believe that **RACHEL POWELL** committed violations of 18 U.S.C. § 1512(c) (Obstruction); 18 U.S.C. § 1361 (Depredation of Government Property); 18 U.S.C. § 1752(b)(1)(A) (Restricted Building or Grounds with a Dangerous Weapon); 18 U.S.C. §§ 1752 (a)(1), (2) and (4) (Restricted Building or Grounds); and 40 U.S.C. §§ 5104(e)(2)(D), (F), and

(G).

BACKGROUND OF AFFIANT

2. I have been a Special Agent with the Federal Bureau of Investigation (“FBI”) since 2015. In addition to my regular duties, I am currently tasked with investigating criminal activity that occurred in and around the Capitol grounds on January 6, 2021.

3. Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as “on or about” dates.

STATEMENT OF FACTS SUPPORTING PROBABLE CAUSE

The 2020 United States Presidential Election and the Proceedings of January 6, 2021

4. The 2020 United States Presidential Election occurred on November 3, 2020.

5. The United States Electoral College is a group required by the Constitution to form every four years for the sole purpose of electing the president and vice president, with each state appointing its own electors in a number equal to the size of that state’s Congressional delegation.

6. On December 14, 2020, the presidential electors of the U.S. Electoral College met in the state capital of each state and in the District of Columbia and formalized the result of the 2020 U.S. Presidential Election: Joseph R. Biden Jr. and Kamala D. Harris were declared to have won the sufficient votes to be elected the next president and vice president of the United States.

7. On January 6, 2021, a Joint Session of the United States House of Representatives and the United States Senate convened in the United States Capitol building (“the Capitol”) to

certify the vote of the Electoral College of the 2020 U.S. Presidential Election (“Electoral College vote”).

The Incursion at the United States Capitol on January 6, 2021

8. The United States Capitol is secured 24 hours a day by United States Capitol Police (“Capitol Police”). The Capitol Police maintain permanent and temporary barriers to restrict access to the Capitol exterior, and only authorized individuals with appropriate identification are allowed inside the Capitol building.

9. The entire Capitol complex—including the Capitol building, the Capitol Visitor Center, and Capitol grounds to include the entire exterior plaza—was barricaded and off limits to the public on January 6, 2021.

10. On January 6, 2021, at approximately 1:00 p.m., the Joint Session convened in the Capitol building to certify the Electoral College vote. Vice President Michael R. Pence, in his constitutional duty as President of the Senate, presided over the Joint Session. Vice-President-Elect Kamala D. Harris, in her role as a Senator representing the State of California, was also present.

11. A large crowd began to gather outside the Capitol perimeter as the Joint Session got underway. Crowd members eventually forced their way through, up, and over Capitol Police barricades and advanced to the building’s exterior façade. Capitol Police officers attempted to maintain order and stop the crowd from entering the Capitol building, to which the doors and windows were locked or otherwise secured. Nonetheless, shortly after 2:00 p.m., crowd members forced entry into the Capitol building by breaking windows, ramming open doors, and assaulting Capitol Police officers. Other crowd members encouraged and otherwise assisted the forced entry. The crowd was not lawfully authorized to enter or remain inside the Capitol, and no crowd member submitted to security screenings or weapons checks by Capitol Police or other security officials.

12. Shortly thereafter, at approximately 2:20 p.m., members of the House and Senate (including Vice President Pence and Vice-President Elect Harris)—who had withdrawn to separate chambers to resolve an objection—were evacuated from their respective chambers. The Joint Session and the entire official proceeding of the Congress was halted while Capitol Police and other law enforcement officers worked to restore order and clear the Capitol of the unlawful occupants.

13. Later that night, law enforcement regained control of the Capitol. At approximately 8:00 p.m., the Joint Session reconvened, presided over by Vice President Pence, and attended by Vice-President-Elect Harris, both of whom had remained within the Capitol building throughout these events.

14. In the course of these events, approximately 81 members of the Capitol Police and 58 members of the Metropolitan Police Department were assaulted. Additionally, one subject was shot and killed while attempting to enter the House chamber through broken windows; many media members were assaulted and had cameras and other news gathering equipment destroyed; and the Capitol suffered millions of dollars in damage—including broken windows and doors, graffiti, and residue of various pepper sprays, tear gas, and fire extinguishers deployed both by crowd members who stormed the Capitol and by Capitol Police officers trying to restore order.

Rachel Marie Powell's Criminal Conduct

15. During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of scores of individuals inside the U.S. Capitol building without authority to be there, in violation of Federal laws. Photographs and videos of several of these persons were disseminated via social media and other open source online platforms. Those persons included a female wearing a pink hat and a black jacket with a fur lined hoodie using a bullhorn to instruct others how to further gain

control of the Capitol. The image below depicts this individual, highlighted with a red box, whom law enforcement has probable cause to believe is RACHEL POWELL, known to reside in Pennsylvania.



16. The video depicting RACHEL POWELL giving instructions with a bullhorn also depicts a group of individuals inside a room of the Capitol building discussing how to further penetrate the Capitol building. One individual is heard asking, “what’s the floor plan.” Another man with a helmet is heard shouting, “We just need a plan. We need enough people. We need to push forward.” Shortly after, RACHEL POWELL is clearly seen speaking through a bullhorn and giving very detailed instructions about the layout of the Capitol building to others inside the room. She can be heard stating that she had just been inside the Capitol Building in the adjacent room, and that they should “coordinate together if you are going to take this building.” She also notes that they “have another window to break.”

17. As part of the investigation, Law Enforcement identified multiple photos and videos that depict RACHEL POWELL. The image included below depicts RACHEL POWELL, highlighted with a red box, within close proximity of a key access point to the Capitol that was the epicenter of visible assaults directed towards law enforcement officers protecting the Capitol.



18. Law Enforcement also identified photos and videos of RACHEL POWELL using a large pipe as a ramming device to breach windows of the Capitol to gain access. The image included below depicts RACHEL POWELL, highlighted with a red box, handling a large pipe along with another individual wearing a green jacket, red and black backpack and red hat, violently ramming a window of the capitol.



19. The image below shows RACHEL POWELL wearing a pink hat and a black jacket with a fur lined hoodie as she is making her way to the window, she is later seen ramming with a large pipe.

20. The window damaged by POWELL using the pipe was worth more than \$1,000.



21. Law Enforcement also identified photos and videos of RACHEL POWELL in which she is seen crawling over a breached window of the Capitol – depicted below.



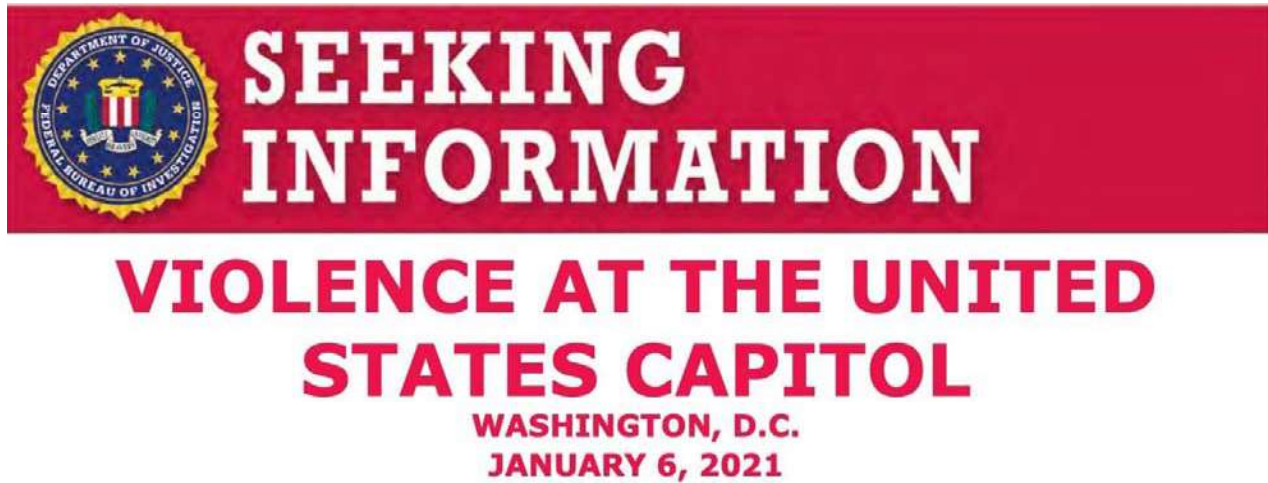
22. Law Enforcement also identified photos and videos of RACHEL POWELL once she is inside the Capitol – depicted below:



23. Video footage from the U.S. Capitol captures RACHEL POWELL at approximately 2:41 PM, as depicted on the image below, entering the Capitol through the West Lower Terrace Exterior Door along with a large number of individuals who forced Law Enforcement to retreat towards the inside of the building. POWELL is holding a cell phone.



24. On or about January 16, 2021 the FBI published an online poster seeking information – include below - on a female wearing a pink hat and a black jacket with a fur lined hoodie using a bullhorn to instruct others how to further gain control of the Capitol.



Photograph #110



Photograph #110



Photograph #110

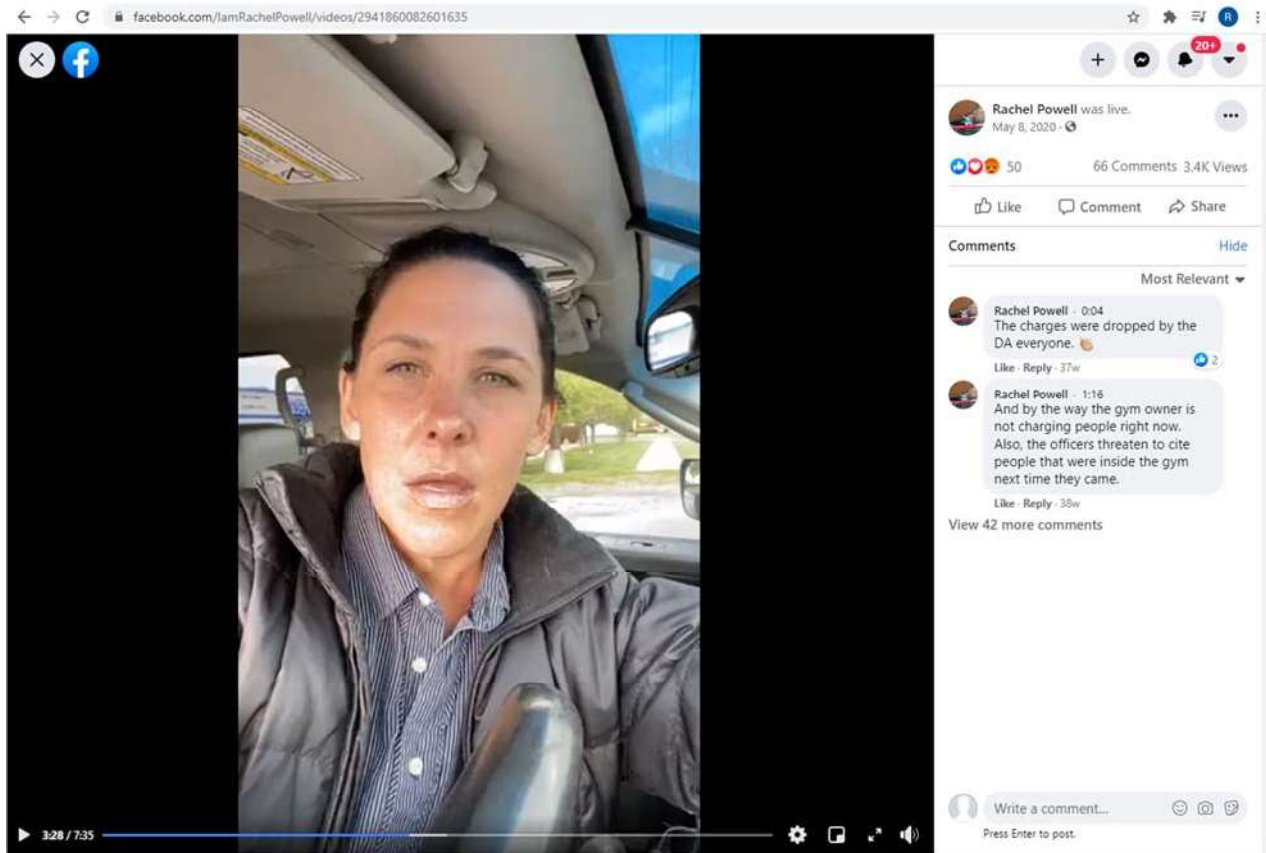


Photograph #110

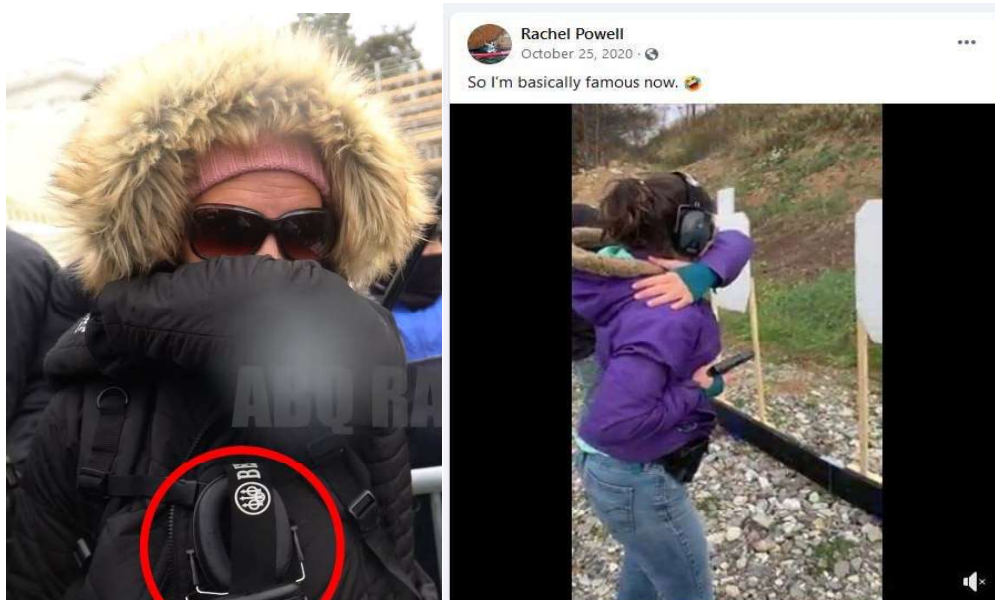


Photograph #110

25. As a result of the online poster, the FBI received an anonymous tip indicating that RACHEL POWELL was the individual identified on the FBI poster. The tip also included the Facebook account for RACHEL POWELL. A subsequent review of publicly available photos from this Facebook account, depicts RACHEL POWELL, as shown on the picture below:



26. Additionally, publicly available photos from this Facebook account depicts RACHEL POWELL with the same set of earmuffs that she carried on January 6, 2021 – depicted below.



27. On January 27, 2021, law enforcement received subpoena results for the aforementioned Facebook account. The subscriber information listed the name “RACHEL POWELL” and telephone number “+17247187686” as the most recently verified telephone number.

28. During the investigation, Law-enforcement authorities discovered that telephone number “+17247187686” is serviced by Verizon and linked to an Apple iPhone device. Additionally, law enforcement identified that telephone number “+17247187686” was connecting to cell towers in Washington DC on January 6, 2021.

29. On February 2, 2021 The New Yorker published an online article entitled: “A Pennsylvania Mother’s Path to Insurrection”¹ making references to an interview with RACHEL POWELL and quotes from the interview in which she admits being involved in the Capitol rioting. In reference to the events of January 6, 2021, RACHEL POWELL is quoted in the article “Listen, if somebody doesn’t help and direct people, then do more people die?” and “That’s all I’m going to say about that. I can’t say anymore. I need to talk to an attorney.”

CONCLUSIONS OF AFFIANT

30. Based on the foregoing, your affiant submits that there is probable cause to believe that RACHEL POWELL violated:

- a. 18 U.S.C. § 1512(c), which makes it a crime to obstruct, influence, or impedes any official proceeding, or attempt to do so;
- b. 18 U.S.C. § 1361, which makes it a crime to willfully injure or commit any depredation against any property of the United States;
- c. 18 U.S.C. § 1752 (b)(1)(A); which makes it a felony offense to violate 18 U.S.C.

¹ <https://www.newyorker.com/news/news-desk/a-pennsylvania-mothers-path-to-insurrection-capitol-riot>

§1752 using or carrying a dangerous weapon;

- d. 18 U.S.C. § 1752(a), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a restricted building includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance; and
- e. 40 U.S.C. § 5104(e)(2), which makes it a crime for an individual or group of individuals to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or (G) parade, demonstrate, or picket in any of the Capitol Buildings.

31. As such, I respectfully request that the court issue an arrest warrant for RACHEL POWELL.

The statements above are true and accurate to the best of my knowledge and belief.



SPECIAL AGENT Carlos D. Fontanez
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 3rd day of February, 2021.

HON. G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE